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09/824,167	04/02/2001	Johannes-Jorg Rueger	10744/900	9010

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EXAMINER

DOUGHERTY, THOMAS M

ART UNIT	PAPER NUMBER
2834	

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 703

Application Number: 09/824,167

Filing Date: April 02, 2001

Appellant(s): RUEGER ET AL.

Richard L. Mayer  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed June 11, 2003.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims of Group 1, claims 1-6, 8-17 and 19-38, and of Group 2, claim 7 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) *ClaimsAppealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

0 871 230	Reineke et al.	10-1998
5,862,431	Crhistensen	1-1999

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6, 8-17 and 19-38 rejected under 35 U.S.C. 102. This rejection is set forth in prior Office Action, Paper No. 10.

Claim 7 is rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 10.

Note that the USC 112 rejections are hereby withdrawn by the Examiner.

**(11) Response to Argument**

In addition to what is cited above, note that Figures 1 and 6-8, among others, of Reineke et al. show the circuits and charging and discharging of the piezoelectric elements in a time sequence and that these figures are identical to those of the Applicants' figures 1 and 6-8. The Applicants' figures 6 and 8 are methods of driving the circuits of figures 1 and 7, respectively. The Applicants note in their descriptions of the figures at pages 11 and 12 of the disclosure that these figures show the circuits and method of operations according to the present invention. Figures 6 and 8 involve application of current to the switches shown by the sinusoidal waveforms. Some event triggers the discharge which begins at 400 us (e.g. in fig. 6), as such both the charging and discharging occur over time, and an inherent event which causes the switching to

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allow both to occur exists. Given the identical structures, the goal of the Applicants that they achieve an effective low average current is inherently met by the Reineke et al. reference.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

  
Thomas M. Dougherty, Primary  
Examiner, Art Unit 2834

  
tmd

July 21, 2003

Conferees

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